IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.17294 of 1997

Between:

D.S.Jhansi Lakshmamma, W/O.Late Seetha Ramaiah,
R/O.Tirupathi, Chittoor Dist.

..... PETITIONER

AND

1 Tirupathi Urban Development Authority, rep. by its Vice Chairman,
Tirupathi, Chittoor Dist.
2 Tirupathi Muncipality, rep. by its Commissioner
Tirupathi, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents seeking to remove my STD/ISD PCO Telephone booth situated near R.T.C. Bus Station, Tirupathi, is violative of Articles 14 and 21 of the Consltitution of India and consequently to direct the respondents not to interfere with the running of the telephone booth of the petitioner.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: MR.K.BATHI REDDY

The Court made the following:

ORDER:

By this writ petition, the petitioner seeks to declare the action of the respondents in trying to remove her STD/ISD PCO Telephone Booth situated near R.T.C. Bus Station, Tirupathi as illegal and arbitrary and to direct the respondents not to interfere with her running the said Telephone Booth.

Heard both the counsel.

Admittedly, the petitioner, having filed O.S.No.316 of 1996 on the file of the Principal District Munsif, Tirupathi, obtained injunction orders as against the impugned action of the 2nd respondent-Municipality, and again approached this Court and filed the present writ petition for the same cause of action, which is not maintainable. In that view of the matter, this Court cannot entertain the writ petition, which is subject matter of the suit in O.S.No.316 of 1996 pending on the file of the Principal District Munsif, Tirupathi, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 29.03.2005

Nsr

..... REGISTRAR

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SECTION OFFICER

To

1 Tirupathi Urban Development Authority, rep. by its Vice Chairman,
Tirupathi, Chittoor Dist.
2 Tirupathi Muncipality, rep. by its Commissioner
Tirupathi, Chittoor Dist.

3 Two CD copies

4 1 CC to MR.NAGARJUNA REDDY

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